

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 24-80102-CR-CANNON/MCCABE

18 U.S.C. § 2422(b)

18 U.S.C. § 2252A(a)(1) & (b)(1)

18 U.S.C. § 2428

18 U.S.C. § 2253

FILED BY AT D.C.

Aug 22, 2024

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - FTL

UNITED STATES OF AMERICA

vs.

JASON JAMES ATHA,
a.k.a. "avalanche21199,"
a.k.a. "avs21199,"

Defendant.

INDICTMENT

The Grand Jury charges that:

COUNT 1

**Attempted Enticement of Minor to Engage in Sexual Criminal Activity
(18 U.S.C. § 2422(b))**

Beginning on or about October 3, 2023, and continuing through on or about August 9, 2024, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendant,

**JASON JAMES ATHA,
a.k.a. "avalanche21199,"
a.k.a. "avs21199,"**

using a facility and means of interstate commerce, did knowingly attempt to persuade, induce, and entice an individual who had not attained the age of eighteen years to engage in sexual activity for which any person can be charged with a criminal offense, in violation of Title 18, United States Code, Section 2422(b).

COUNT 2
18 U.S.C. § 2252A(a)(1) & (b)(1)

On or about August 9, 2024, in Palm Beach County, in the Southern District of Florida, the defendant,

JASON JAMES ATHA,
a.k.a. “avalanche21199,”
a.k.a. “avs21199,”

knowingly transported and shipped child pornography, as defined in Title 18, United States Code, Section 2256(8), into Palm Beach County from outside the State of Florida, using any means and facility of interstate and foreign commerce, all in violation of Title 18, United States Code, Section 2252A(a)(1).

FORFEITURE ALLEGATIONS

1. The allegations of this Indictment are hereby re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America of certain property in which the defendant, **JASON JAMES ATHA**, has an interest.

2. Upon a conviction of Title 18, United States Code, Section 2422, as alleged in this Indictment, the defendant shall forfeit to the United States any property, real or personal, that was used or intended to be used to commit, or to facilitate the commission of, such offense, and any property, real or personal, which constitutes or is derived from proceeds traceable to such offense, pursuant to Title 18, United States Code, Section 2428.

3. Upon conviction of a violation of Title 18, United States Code, Sections 2252A, as alleged in this Indictment, the defendant shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2253(a):

(a) Any visual depiction described in Title 18, United States Code, Sections 2251, 2251A, 2252, 2252A, 2252B, or 2260, or any book, magazine, periodical,

film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of Title 18, United States Code, Chapter 110;


(b) Any property, real or personal, constituting or traceable to gross profits or other proceeds which the defendant obtained from such offense; and

(c) Any property, real or personal, used or intended to be used to commit or to promote the commission of such offense, and any property traceable to such property.

All pursuant to Title 18, United States Code, Sections 2428 and 2253(a), and the procedures set forth in Title 21, United States Code, Section 853, as incorporated by Title 18, United States Code, Section 2253(b), and Title 28, United States Code, Section 2461(c).


FOR MARKENZY LAPORTE
UNITED STATES ATTORNEY

~~FOREPERSON~~


GREGORY SCHILLER
ASSISTANT UNITED STATES ATTORNEY

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

UNITED STATES OF AMERICA

CASE NO.: _____

v.

CERTIFICATE OF TRIAL ATTORNEY

JASON JAMES ATHA

Defendant.**Court Division (select one)**

- ☐ Miami ☐ Key West ☐ FTP
☐ FTL ☒ WPB

Superseding Case Information:

New Defendant(s) (Yes or No) _____

Number of New Defendants _____

Total number of new counts _____

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. §3161.
3. Interpreter: (Yes or No) No
List language and/or dialect: _____
4. This case will take 7 days for the parties to try.
5. Please check appropriate category and type of offense listed below:

(Check only one)	(Check only one)
I <input type="checkbox"/> 0 to 5 days	<input type="checkbox"/> Petty
II <input checked="" type="checkbox"/> 6 to 10 days	<input type="checkbox"/> Minor
III <input type="checkbox"/> 11 to 20 days	<input type="checkbox"/> Misdemeanor
IV <input type="checkbox"/> 21 to 60 days	<input checked="" type="checkbox"/> Felony
V <input type="checkbox"/> 61 days and over	
6. Has this case been previously filed in this District Court? (Yes or No) No
If yes, Judge _____ Case No. _____
7. Has a complaint been filed in this matter? (Yes or No) Yes
If yes, Magistrate Case No. 24mj8377-RMM
8. Does this case relate to a previously filed matter in this District Court? (Yes or No) No
If yes, Judge _____ Case No. _____
9. Defendant(s) in federal custody as of August 9, 2024 in the Southern District of Florida
10. Defendant(s) in state custody as of _____
11. Rule 20 from the _____ District of _____
12. Is this a potential death penalty case? (Yes or No) No
13. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard? (Yes or No) No
14. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss? (Yes or No) No
15. Did this matter involve the participation of or consultation with Magistrate Judge Eduardo I. Sanchez during his tenure at the U.S. Attorney's Office, which concluded on January 22, 2023? No
16. Did this matter involve the participation of or consultation with now Magistrate Judge Marta Fulgueira Elfenbein during her tenure at the U.S. Attorney's Office, which concluded on March 5, 2024? No

By: _____

Gregory Schiller

Assistant United States Attorney

FL Bar No.

0648477

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: JASON JAMES ATHA

Case No: _____

Counts #1:

Attempted Enticement of Minor to Engage in Sexual Criminal Activity

18 U.S.C. § 2422(b)

- * **Max. Term of Imprisonment:** Life
- * **Mandatory Min. Term of Imprisonment (if applicable):** 10 years
- * **Max. Supervised Release:** Life (mandatory minimum term of 5 years)
- * **Max. Fine:** \$250,000 fine and a \$5,000 special assessment

Count #2:

Transportation of Child Pornography

18 U.S.C. § 2252A(a)(1) & (b)(1)

- * **Max. Term of Imprisonment:** 20 years
- * **Mandatory Min. Term of Imprisonment (if applicable):** 5 years
- * **Max. Supervised Release:** Life (mandatory minimum term of 5 years)
- * **Max. Fine:** \$250,000 fine and a \$5,000 special assessment

*Refers only to possible term of incarceration, supervised release and fines. It does not include restitution, special assessments, parole terms, or forfeitures that may be applicable.